

# APPEAL PROCEDURES OF THE HOSPITAL BUILDING SAFETY BOARD

The Hospital Building Safety Board (Board) was established in the original Hospital Seismic Safety Act (Act) of 1973. The purpose of the Board is to advise the Director of the Office of Statewide Health Planning and Development (OSHPD) on the administration of the Act and serve as a board of appeals in all matters relating to the administration and enforcement of building standards relating to the design, construction, alteration, and seismic safety of hospital building projects submitted to OSHPD. Further, the Board acts as a board of appeals in matters relating to all fire and panic safety regulations and alternate means of protection determinations for hospital building projects.

In its advisory capacity, the Board meets on a quarterly basis in January, April, July, and October. All meetings are open to the public and members of the hospital design and construction industry are welcome to attend.

Materials contained in this package include information regarding the Board's appeal process - what it is, how it works, and what to do if you want to initiate the process. For more information, please contact:

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From time to time, differences of opinion will surface between the Office of Statewide Health Planning and Development (OSHPD) and its clients relating to matters concerning building standards as they apply to the planning, construction or alteration of hospital projects. Before the differences escalate into a more formal appeal process, clients may ask OSHPD for reconsideration through the Comment and Process Review (CPR) procedure. OSHPD is dedicated to keeping open lines of communication between staff and clients and discussion of differences is encouraged.

However, in the event of continuing disagreement with a decision of OSHPD, an appeal may be made to the Hospital Building Safety Board (Board). The appeal would be considered following the failure of an informal conference held with OSHPD in an attempt to resolve the appeal issue.

To initiate the appeal process, within six (6) months of an OSHPD decision, a request for an informal conference can be made to OSHPD via the Executive Director of the Hospital Building Safety Board. OSHPD would notify the appellant within fifteen (15) business days of the date of the conference, which would be held within twenty-five (25) business days of receipt of the request for the informal conference. Within ten (10) business days following the conference, OSHPD would notify the appellant of its decision on the matter. The decision would confirm, modify or reverse the decision.

If the appellant disagrees with the decision, a formal hearing may be requested of the Hospital Building Safety Board. The appellant would submit a written request for appeal to the Board within fifteen (15) business days of receipt of the results of the informal conference and send documents supporting the request for a formal hearing. The Hospital Building Safety Board, or a committee of the Board, would hold a public hearing on the appeal within forty five (45) business days of the receipt of documents supporting the request for an appeal hearing. At the hearing, the appellant has the right to counsel, to submit documentary evidence and exhibits and to have witnesses appear and testify although the hearing is not conducted in accordance with strict rules of evidence or courtroom procedures.

If a committee of the Board conducts the formal hearing and all parties agree to the decision in writing, the appeal action is terminated. If all parties do not agree with the recommended decision, the committee transmits the issue to the Board for consideration. The Board then has thirty (30) business days (unless further study is required) to hear the final arguments from the appellant and render a decision on the appeal. The Board will notify the appellant within fifteen (15) business days of the public hearing of its decision(s), which becomes effective immediately.

The time periods outlined above are the maximum times specified in regulation. However, every effort is made by OSHPD and the Hospital Building Safety Board to expedite the process. Historically, 20% of the appeals have been settled at the informal conference level, 75% at the Hospital Building Safety Board Committee level, with less than 5% going to the full Board.

Should you have any further questions about the appeal process, please contact Barbara Ann Martinez, Executive Director of the Hospital Building Safety Board, at (916) 654-2019.